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9 Attorneys for Plaintiff
10 ALIGN TECHNOLOGY, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ALIGN TECHNOLOGY, INC.,

16 Plaintiff,

17 vs.

18 ORTHOCLEAR, INC. and
19 ORTHOCLEAR HOLDINGS, INC.,

20 Defendants.

CASE NO. CV-05-2948 (MMC)

21 **STIPULATION FOR EXTENSION OF**
22 **TIME TO COMPLETE MEDIATION**
23 **AND ORDER THEREON**

24 Courtroom: 7
25 Judge: Hon. Maxine M. Chesney

1 Plaintiff Align Technology, Inc. ("Align") and Defendant OrthoClear, Inc.
2 ("Orthoclear"), through their respective counsel, in support of this Stipulation, state:

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4 WHEREAS, on November 3, 2005, the Court notified the parties and counsel that
5 the case has been assigned to William N. Hebert of Kirkpatrick & Lockhart Nicolson Graham for
6 mediation; and

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8 WHEREAS, ADR Rule 3-6 provides that the ADR session must be held within 90
9 days after the entry of an order referring the case to a specific ADR process; and

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11 WHEREAS, the mediation cut-off deadline, therefore, is February 3, 2006, and the
12 parties, together with the Mediator, have scheduled the mediation session for January 24, 2006;
13 and

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15 WHEREAS, pending before the Court is OrthoClear's Motion to Stay this action,
16 the hearing for which is set for January 27, 2006; and

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18 WHEREAS, both Align and OrthoClear agree that mediation would be more
19 appropriate after the Court has an opportunity to rule on OrthoClear's Motion to Stay the present
20 action; and

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22 WHEREAS, the Mediator is also aware of the parties' interests in postponing the
23 mediation session and is amenable to the postponement.

1 NOW, THEREFORE, it is hereby stipulated by and between Align and OrthoClear
2 that:

3 1. The parties shall have an additional 60 days, until April 3, 2006, to
4 complete the mediation in this matter.

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8 DATED: January ²⁰~~19~~, 2006

O'MELVENY & MEYERS LLP

9
10 By: 

Pat W. Costello

11 Attorneys for Defendants
12 ORTHOCLEAR, INC.
13 ORTHOCLEAR HOLDINGS, INC.

14 DATED: January ²⁰~~19~~, 2006

PAUL, HASTINGS, JANOFSKY & WALKER LLP


15
16 By: 

Thomas A. Counts

17 Attorneys for Plaintiff
18 ALIGN TECHNOLOGY, INC.

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 DATED: January 23, 2006

24 
25 The Honorable Maxine M. Chesney
26 Judge of The United States District Court
27 Northern Division of California

28 LEGAL_US_W # 53194081.1

CASE NO. CV 05-2948 MMC (JL)